

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ANCHOR WALL SYSTEMS, INC.,

Civil No. 99-1356 (JRT/FLN)

Plaintiff,

v.

ORDER

ROCKWOOD RETAINING WALLS,
INC., GLS INDUSTRIES, INC.,
EQUIPMENT, INC., RAYMOND R.
PRICE and GERALD P. PRICE,

Defendants.

Alan G. Carlson, Dennis C. Bremer, and Joseph W. Winkels, **CARLSON CASPERS VANDENBURGH & LINDQUIST**, 225 South Sixth Street, Suite 3200, Minneapolis, MN 55402; Douglas A. Strawbridge, **ANCHOR WALL SYSTEMS, INC.**, 5959 Baker Road, Suite 390, Minnetonka, MN 55345; for plaintiff.

Michael E. Florey and Jonathan E. Singer, **FISH & RICHARDSON PC**, 60 South Sixth Street, Suite 3300, Minneapolis, MN 55402; Michael F. McGrath, **RAVICH MEYER KIRKMAN MCGRATH & NAUMAN**, 80 South Eighth Street, Suite 4545, Minneapolis, MN 55402; Casey A. Kniser, Eric H. Chadwick, Scott G. Ulbrich, and Randall T. Skaar, **PATTERSON THUENTE SKAAR & CHRISTENSEN, PA**, 80 South Eighth Street, Suite 4800, Minneapolis, MN 55402-2100; Malcolm L. Moore, **MOORE HANSON & SUMNER**, 225 South Sixth Street, Suite 4850, Minneapolis, MN 55402-4612; for defendants.

In accordance with paragraph 1(b) of this Court's previous Order (Docket No. 751-2), and based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. As to any Classic, StoneHedge, Legend, Cottage Stone III and/or Cottage Stone IV blocks produced on or before March 3, 2008 (“Inventoried Blocks”), the royalty rates shall be as follows:

a) For Inventoried Blocks sold by GLS/RCP:

- 1) 51 cents per square foot for Classic, Legend and Stonehedge Blocks; and
- 2) 18 cents per block for Inventoried Cottage Stone III and Cottage Stone IV Blocks.

b) For Inventoried Blocks sold by Rockwood AMDs:

- 1) 40 cents per square foot for Classic, Legend and Stonehedge Blocks; and
- 2) 12 cents per block for Inventoried Cottage Stone III and Cottage Stone IV Blocks.

2. Defendants shall pay the above royalty into the escrow account established at Home Federal Savings Bank, Account No. 4000021826, at the following times:

a) For Inventoried Blocks sold by GLS/RCP: on the 15th of each month following the sale of blocks (i.e. May 15, 2008 for sales in April 2008 (and March 2008), June 15, 2008 for sales in May 2008, July 15, 2008 for sales in June 2008, etc.) until such time as the Inventoried Blocks are sold; and

b) For Inventoried Blocks sold by Rockwood AMDs: (i) on May 30, 2008 for sales in March 2008 and April 2008; and (ii) on the 15th of each month following the sale of blocks for sales after April 2008 (i.e., June 15, 2008 for sales in May 2008, July 15, 2008 for sales in June 2008, etc.), until such time as the Inventoried Blocks are sold.

3. Defendants shall report the payment of royalties, along with the prior month's sales on a per unit basis (and for Rockwood on a per-AMD basis) at the same time as payment is made to the escrow.

4. Failure to pay the royalty specified in paragraph 1 on the dates specified in paragraph 2 or failure to provide the reports specified in paragraph 3 shall terminate defendants' ability to sell Inventoried Blocks immediately.

5. The escrow proceeds shall be distributed based on further order of the Court or the written agreement of the parties.

DATED: May 7, 2008
at Minneapolis, Minnesota.

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge